

**Senate File 122 - Introduced**

SENATE FILE 122

BY PETERSEN

**A BILL FOR**

1 An Act relating to the treatment of certain incidents of  
2 human trafficking as child abuse and to mandatory reporting  
3 training to recognize and report such incidents of human  
4 trafficking, and making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.68, subsection 2, paragraph a, Code  
2 2017, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (12) The acts or omissions of a  
4 person responsible for the care of a child which allow,  
5 permit, encourage, or require the recruitment, harboring,  
6 transportation, provision, obtaining, patronizing, or  
7 soliciting of the child for the purpose of commercial sexual  
8 activity or forced labor or service as defined in section  
9 710A.1.

10 Sec. 2. Section 232.69, subsection 1, unnumbered paragraph  
11 1, Code 2017, is amended to read as follows:

12 The classes of persons enumerated in this subsection shall  
13 make a report within twenty-four hours and as provided in  
14 section 232.70, of cases of child abuse. In addition, the  
15 classes of persons enumerated in this subsection shall make a  
16 report of abuse of a child who is under twelve years of age  
17 and may make a report of abuse of a child who is twelve years  
18 of age or older, which would be defined as child abuse under  
19 section 232.68, subsection 2, paragraph "a", subparagraph (3),  
20 ~~or (5), or (12),~~ except that the abuse resulted from the acts  
21 or omissions of a person other than a person responsible for  
22 the care of the child.

23 Sec. 3. Section 232.69, Code 2017, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 4. The department of public health, in  
26 cooperation with the crime victim assistance division of the  
27 department of justice, the Iowa law enforcement academy,  
28 the department of public safety, the attorney general's  
29 office, and any other federal, state, and local governmental  
30 agencies and nongovernmental or community organizations with  
31 expertise in human trafficking including commercial sexual  
32 activity or forced labor or service involving children,  
33 shall develop training standards on the subject of human  
34 trafficking involving children to include curricula on  
35 recognizing human trafficking victims, culturally sensitive and

1 age-appropriate methods for approaching and dealing effectively  
2 and appropriately with trafficking victims and minors who  
3 are victims or who are impacted by human trafficking, and  
4 identifying the appropriate authorities to whom to report  
5 potential cases of human trafficking. Mandatory reporter  
6 training required under this section shall at a minimum meet  
7 the standards developed under this subsection.

8     Sec. 4. Section 232.70, subsection 9, Code 2017, is amended  
9 to read as follows:

10     9. If a report would be determined to constitute an  
11 allegation of child abuse as defined under section 232.68,  
12 subsection 2, paragraph "a", subparagraph (3), ~~or~~ (5), or  
13 (12), except that the suspected abuse resulted from the acts  
14 or omissions of a person other than a person responsible for  
15 the care of the child, the department shall refer the report  
16 to the appropriate law enforcement agency having jurisdiction  
17 to investigate the allegation. The department shall refer the  
18 report orally as soon as practicable and in writing within  
19 seventy-two hours of receiving the report.

20     Sec. 5. Section 232.71B, subsection 1, paragraph a,  
21 subparagraph (1), Code 2017, is amended to read as follows:

22     (1) Upon acceptance of a report of child abuse, the  
23 department shall commence a child abuse assessment when the  
24 report alleges child abuse as defined in section 232.68,  
25 subsection 2, paragraph "a", subparagraphs (1) through (3) and  
26 subparagraphs (5) through ~~(11)~~ (12), or which alleges child  
27 abuse as defined in section 232.68, subsection 2, paragraph "a",  
28 subparagraph (4), that also alleges imminent danger, death, or  
29 injury to a child.

30     Sec. 6. Section 235A.18, subsection 1, paragraph b, Code  
31 2017, is amended to read as follows:

32     b. Data sealed in accordance with this section shall be  
33 expunged eight years after the date the data was sealed.  
34 However, if the report data and the disposition data involve  
35 child abuse as defined in section 232.68, subsection 2,

1 paragraph "a", subparagraph (3), ~~or~~ (5), or (12), the data  
 2 shall not be expunged for a period of thirty years. Sealed  
 3 data shall be made available to the department of justice upon  
 4 request if the prosecutor's review committee is reviewing  
 5 records or if a prosecuting attorney has filed a petition to  
 6 commit a sexually violent predator under [chapter 229A](#).

7 Sec. 7. Section 280.17, subsection 1, Code 2017, is amended  
 8 to read as follows:

9 1. The board of directors of a school district and the  
 10 authorities in charge of a nonpublic school shall prescribe  
 11 procedures, in accordance with the guidelines contained in  
 12 the model policy developed by the department of education in  
 13 consultation with the department of human services, and adopted  
 14 by the department of education pursuant to [chapter 17A](#), for  
 15 the handling of reports of child abuse, as defined in section  
 16 232.68, subsection 2, paragraph "a", subparagraph (1), (3), ~~or~~  
 17 (5), or (12), alleged to have been committed by an employee or  
 18 agent of the public or nonpublic school.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
 21 the explanation's substance by the members of the general assembly.

22 This bill treats certain incidents of human trafficking  
 23 as child abuse under Code chapter 232, modifies related  
 24 requirements for mandatory reporters of child abuse and  
 25 mandatory reporter training, and makes penalties applicable.

26 To the definition of "child abuse" or "abuse", the bill  
 27 adds "the acts or omissions of a person responsible for the  
 28 care of a child which allow, permit, encourage, or require the  
 29 recruitment, harboring, transportation, provision, obtaining,  
 30 patronizing, or soliciting of the child for the purpose of  
 31 commercial sexual activity or forced labor or service" as  
 32 defined in Code section 710A.1.

33 Under Code section 710A.1, "forced labor or services" means  
 34 labor or services that are performed or provided by another  
 35 person and that are obtained or maintained through causing or

1 threatening to cause serious physical injury to any person,  
2 physically restraining or threatening to physically restrain  
3 another person, abusing or threatening to abuse the law or  
4 legal process, or knowingly destroying, concealing, removing,  
5 confiscating, or possessing any actual or purported passport or  
6 other immigration document, or any other actual or purported  
7 government identification document, of another person.

8 "Commercial sexual activity" means any sex act or sexually  
9 explicit performance for which anything of value is given,  
10 promised to, or received by any person and includes, but is not  
11 limited to, prostitution, participation in the production of  
12 pornography, and performance in strip clubs.

13 With this change in the definition, the classes of persons  
14 required to make a report of child abuse must also make a  
15 report of suspected forced labor or services and suspected  
16 commercial sexual activity involving a child and complete  
17 training relating to the identification and reporting of such  
18 child abuse.

19 The department of public health is directed to develop  
20 training standards on the subject of human trafficking  
21 involving children to include curricula on recognizing  
22 human trafficking victims, culturally sensitive and  
23 age-appropriate methods for approaching and dealing effectively  
24 and appropriately with trafficking victims and minors who  
25 are victims or who are impacted by human trafficking, and  
26 identifying the appropriate authorities to whom to report  
27 potential cases of human trafficking. The standards must be  
28 developed in cooperation with the crime victim assistance  
29 division of the department of justice, the Iowa law enforcement  
30 academy, the department of public safety, the attorney  
31 general's office, and any other federal, state, and local  
32 governmental agencies and nongovernmental or community  
33 organizations with expertise in human trafficking.

34 The bill makes conforming changes, including provisions  
35 relating to commencing child abuse assessments, expunging data

1 under certain conditions, and the procedures school districts  
2 and accredited nonpublic schools must use in handling child  
3 abuse reports.

4     The civil and criminal sanctions of Code section 232.75  
5 apply to a person who fails to report a suspected case of  
6 child abuse or knowingly reports false information. If the  
7 department of human services issues a finding that the alleged  
8 child abuse meets the definition of child abuse, the child  
9 abuse central registry provisions of Code chapters 232 and 235A  
10 apply.